IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21574 of 2004

Between:

Alluri Venkatapathi Raju, S/o. Ramachandra Raju,
Pallipalem, Mummidivaram, East Godavari District.

..... PETITIONER

AND

1 The State of Andhra Pradesh, Rep by its Secretary, Revenue

(Endowments) Department, Secretariat, Hyderabad.

2 Regional Joint Commissioner, Multi Zone-I, Endowments

Department, Kakinada, East Godavari District.

3 Sri Kesava Swamy Temple, Mummidivaram, rep. By its person in

Management, Mummidivaram, Mummidivaram(M)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the impugned action of the respondents in seeking to dispossess the petitioner and Vasamsetty Satyanarayana & Mattaparthi Narayana Murthy from the tenancy rights on the land belongingto thethird respondent pending disposal of their Revision petition before the first respondent challenging the orders passed by the second respondent in R.P. No. 19 of 2004 inM.A.No.124 of 2004 dt. 13.08.2004 as to whether the petitioners are landless/small farmers and without following the due process of law as illegal, arbitrary and violative of principles of natural justice and consequently direct the first respondent to dispose of the revision petition of the petitioner at any early date and to pass

such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.N.V.ANANTHA KRISHNA

Counsel for the Respondent No.: GP FOR ENDOWMENTS

The Court at the stage of admission made the following ORDER:

Petitioner is the lessee of Ac.3.89 cents of land in R.S.No.1074 of Mummidivaram village, belonging to Sri Kesava Swamy Temple, Mummidivaram, the third respondent. When proceedings were initiated for his eviction, the petitioner approached the Assistant Commissioner of Endowments with an application to recognize him as a landless poor person. The same was rejected. Thereupon, he preferred an appeal before the second respondent. The appeal was also rejected. The petitioner claims to have filed a further revision before the first respondent under Section 93 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act (for short 'the Act') together with an application for interim orders. His grievance is that the first respondent has not passed any orders on the stay petition so far and in the meanwhile the third respondent is threatening to evict him.

Heard learned counsel for the petitioner, learned Government Pleader for Endowments and learned standing counsel for the third respondent.

The application of the petitioner to recognize him as a landless poor person, as defined under the relevant provisions, was rejected by the Assistant Commissioner of Endowments, Rajahmundry. The appeal preferred against it was also rejected by the second respondent. The petitioner availed the remedy under Section 93 of the Act. The controversy is as to the nature of arrangement to be continued in the meanwhile.

As of now, the contention of the petitioner has been rejected by two statutory authorities. Therefore, he cannot be permitted to continue in the land on same

terms. At present, the petitioner is paying the rent at four bags per acre. Learned standing counsel for the third respondent, on instructions, submits that the lands in the surrounding area are fetching rent at more than 15 bags per acre. In view of the fact that the disposal of the proceedings before the first respondent is likely to take sometime, this Court is of the view that the petitioner can be permitted to continue as a tenant on his depositing the rent at 12 bags per acre. On his failure, it shall be open to respondents 2 and 3 to evict him.

With the above observations, the writ petition is disposed of. No order as to costs.

25.11.2004

Note:

Issue CC. in three days

(BO)

ksld

To

1 The State of Andhra Pradesh, Rep by its Secretary, Revenue (Endowments) Department, Secretariat, Hyderabad.

2 Regional Joint Commissioner, Multi Zone-I, Endowments Department, Kakinada, East Godavari District.

3 Two CCs. to the G.P. for Endowments, High Court of A.P., Hyderabad(OUT)

4 Two CD copies.